

G. R. S. App. F. IX-4]

Previous References.

1942.

(C. C.)

File No. 20-42

Serial No. 152

Later References.

C. 177-46(1-27-8)

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 2

Part B for August 1942

SUBJECT

Amendments to High Court Rules
41, 43, 44 and 51

Cy. O. No. P. 865 dated 18 42.

70

New Registrar
High Court of Mysore
Bangalore

Accords Sanction to the

Ja
12/8/42

GENERAL AND REVENUE SECRETARIAT.

(C/S)

NOTES:

File No.

FILE HEADING.

Proposed Amendments to Rules 41, 43, 44 and 51
of the High Court Rules as set out in the Appendix

FROM The Registrar High Court

R.O.C. No. 1031/41-42

Dated

16/17

July 1962

Received

Diary No.

Enclos.

Spare copies

Serial No.

BRIEF ABSTRACT OF LETTER.

R. 1031/41-42 under Section 130 of the Code of Civil Procedure
The proposed amendments to Rules 41, 43, 44 and 51 of the H.C. Rules
as set out in the Appendix may be sanctioned

NOTES AND ORDERS.

1) Submitted with a draft G.O. sanctioning.

(vide typed statement P" re.

existing Rules and the proposed amendments.

MR. Under Section 130 of the C.P.C. the H.C. have power to make
2) rules as to matters other than procedure.

1/2

The proposed amendments to the H.C. Rules
may be sanctioned by G.O. approval

Sd/- Secretary

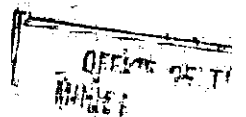
3
287-7

NOTES—First Sheet

426
P

Provisions Amendments to Rules 41, 43 44 + 51
High Court Rules: in n. Section 130 & C.P.

5) May be approved



JUL 28 194

968

am
28-7-42

M. R. J. Law

am
28/7

am
29-7-4

29/7/42

am
30/7

Issued G.O. NO. 865 dated 1st August 42
to the Regr. High Ct. of Mysore
Records Sanction to the
amendments proposed in Sl.

B

R. O. C. No. 1031/41-42.

~~Dr. Dis.~~

Enc: one

426/42 45-20-42-1
HIGH COURT OF MYSORE,

Bangalore 16 July 1942.

FROM

N. SAMAIENGAR, Esq., B.A., LL.B.,

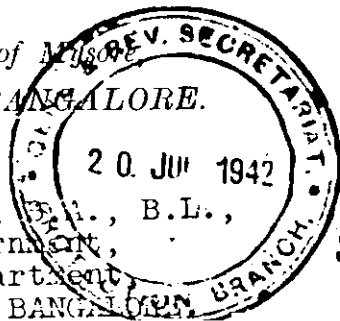
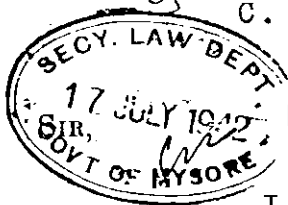
~~T. SHAMIENGAR, Esq., B.A., LL.B.,~~

Registrar, High Court of Mysore

BANGALORE.

To

C. NARAYANASWAMI NAIDU, Esq., B.A., B.L.,
Secretary to Government,
Law Department,
BANGALORE BRANCH.



I am directed to state that the Judges have been considering how the translation and printing or typing of unnecessary parts of records for the purpose of appeals in the High Court can be reduced so as to save expense to parties and work in the High Court Office. For this purpose they propose to amend Rules 41 and 51 of the High Court Rules (printed in Volume I of the Civil Rules of Practice and Circular Orders) as shown in the appendix to this letter, at the same time correcting a slip in Rule 43.

2. They propose also to take the opportunity of amending Rule 44, which at present contains cumbrous, ambiguous and overlapping provisions, so as to make clear within

what

REGISTRAR:
H. Samways

Your most obedient servant

Sir,

I have the honour to be,

3. I am directed to request that under Section 130 of the Code of Civil Procedure the proposed amendments to Rules 41, 43, 44 and 51 of the High Court Rules as set out in the appendix may be sanctioned by the Government.

what time a respondent must apply for the printing or typing of documents, on which he intends to rely, other than those for the printing or typing of which the appellant has applied.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

CIVIL SIDE.

R. Dis No.

Dated 16 July 1942.

Under Section 130 of the Code of Civil Procedure (and with the previous sanction of Government) the High Court hereby makes the following amendments to Rules 41, 43, 44 and 51 of the High Court Rules, printed at pages 1 to 13 of the Civil Rules of Practice and Circular Orders, Volume I (1936 Edition), viz:-

I. In Rule 41 delete the words "(including any schedule appended thereto)" appearing after the words "The plaint".

II. In Rule 43 for the words "paras 39 and 40" substitute the words "Rules 41 and 42".

III. For Rule 44 substitute the following:-

"Within one month from the date of service of notice of an appeal the respondent shall present to the Registrar a list of documents and depositions on which he intends to rely and for the printing or typing of which the appellant has not applied and also copies of such documents (if in English) and depositions. Such documents and depositions will be printed or typed at the cost of the respondent"

IV. For Rule 51 substitute the following:-

The following records or parts of records will not be translated, printed or typed except when parties or their advocates state specifically in writing

when presenting lists of documents in accordance with Rule 43 or Rule 44 that they require such records or parts of records to be translated, printed or typed, as the case may be.

I Pleadings

- (a) Schedule or schedules to the plaint except the portion or portions in dispute and
- (b) Verifications of plaints, written statements, etc;

II. Documents

- (a) documents which have been exhibited merely for the purpose of comparison of hand-writing,
- (b) previous title-deeds, which are not disputed,
- (c) schedules giving descriptions of property, stamp-vendor's endorsements, Registration endorsements, and endorsements of payment, unless they are in dispute between the parties,
- (d) those parts of letters exhibited which obviously refer to matters other than the questions in issue;

III. Judgments and Decrees.

- (a) description of parties except their names,
- (b) statements of costs and schedules of property;

IV V.2 Memorandums of appeal and cross-objections.

description of parties except their names;

V VI.2 Certified copies.

certificates and endorsements of the copying office;

VI VII.2 Interlocutory and other applications, Judge's notes.

cause titles;

VIII. VIIII.2 Sale proclamations and licenses.

the usual conditions printed on forms of
proclamations and licenses;

VIII IX.2 A c c o u n t s.

entries therein other than those in dispute;

(IX) X.2 Revenue Records.

columns and entries in extracts of khaneshmari,
khirdi, khetwar and other such accounts containing no
information regarding the matters in dispute between
the parties.

Note.- When entries in successive accounts
of the same kind are printed or typed, the headings
need appear only once, provided that the date to which
each entry relates is shown.

Samaiengul
REGISTRAR.

SK.
MSN.

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G. R. S. App. F VI—G 2]

SUBJECT

Diary No. of letter replied to.....

Section. Cl

General and Revenue Secretariat

File No. 20-42

Serial No. 2

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the 193

Proceedings of the Government of
His Highness the Maharaja of Mysore.

Date of issue..... 1/8/62 193

Read— R.O.C
Letter / No 1031 / 41-42 Dated

Signed by Mrs. K. P. P.

16/7 July 1942 from the Registrar,
High Court of Mysore. recommending
amendment of the Rules 41, 43, 44 & 51
of the High Court have been
reported that the

Order thereon was not
made by the

High Court. Considering how the translation and

May this be—

- (i) printed?
- (ii) treated as a standing order?
- (iii) published in the Gazette,
English Part?
- (iv) translated?
- (v) placed at the disposal of the press?
- (vi) published in the Gazette.

printing or typing of unnecessary parts

of records for the purpose of appeals in

the High Court can be reduced to an

Order thereon—No.

to save expenses of parties and

also work in the office of the High Court.

the High Court proposes to amend Rule
41 and 51 of the High Court Rules (Prescribed

in vol I of the Civil Rules of Practice

and Circular Orders) as shown

and correct.
together with a correction

in the amended Rule 43 and part

does propose to take this opportunity to
~~take the opportunity of amending of~~
 Rule 44, which at present contains
 too Cumbersome, Ambiguous and overlapping
 provisions so as to make clear within
 what time a Respondent must apply
 for the printing or typing of documents,
 on which he intends to rely, other than those
 for the printing or typing of which
 the Appellant has applied and ~~has been~~
 Sanction of Govt ^{has been sought} for the proposed
 amendments under Section 130 of the
 Code of Civil Procedure and to
 Rules 41, 43, 44 and 51 of the High
 Court Rules as set ^{out} in the Appendix to his
 order. ^{are pleased to}
~~Govt approve of the proposals~~
~~for the~~ ^{are pleased to}
~~approve of the proposals~~ ^{to accord sanction}
 to the amendments, which are set
 out in the appendix to the order.

List of Enclosure

26.7 M ✓
 Secy to Govt. New Delhi

Copied by

Examined by

2 The Registrar, High Court of Mysore
 S.M.
 25/7

(vide page 10, 11 & 12)
of the Civil Rules & Practice
Edition 1936

Page R

Existing Rules.

Proposed Amendments to the existing Rules.

41. In all first appeals the
Paper book paper book shall
in first
appeals. contain the follow-
ing:-

In Rule 41 delete the words "(includ-
ing any schedule appended thereto)"
appearing after the words "The plaint".

- (a). An Index
- (b). The plaint (including any
schedule appended thereto) and
every written statement.

Note:-Where any of these docu-
ments is copied or translated
in full in the judgment that
document need not be separately
printed or typed but abstracts
in the judgment or elsewhere
will not be accepted as substi-
tutes for the documents required
by this sub-paragraph to be
printed or typed.

- (c) The issues.
- (d) The judgment and decrees of
the lower court.
- (e) The memorandum of appeal.
- (f) Any memorandum of objections
filed by the respondent.

Appellant's | 43. When an appeal
list of documents |
is admitted and the records received, the
appellant will within 15 days furnish
the Registrar with a list in duplicate of
all documents and depositions on which he
intends to rely together with copies of
such documents (if in English) and deposi-
tions. Such documents and depositions
together with the documents referred to in
paras 39 and 40 will be printed or typed at
the cost of the appellant. The appellant
shall ordinarily print or type the whole of
the evidence of every witness, whether on
his own side or his opponent's whose deposi-

In Rule 43 for the words
"paras 39 and 40" substitute
the words "Rules 41 and 42".

Existing Rules.

Proposed Amendments to the existing Rules.

deposition contains anything relevant to any point which he intends to argue at the hearing of the appeal whether the evidence is in his favour or against him.

Note:- One copy of the appellant's list will be retained by the official whose duty it is to prepare the documents for printing or typing, the other will be supplied to the respondent or his advocate, or where there are more respondents than one, and all are not represented by the same advocate will be kept in the office where it may be inspected by any respondent.

Respondent's list of documents. § 44. Within one month from the date of service of the appeal notice, the respondent is required to furnish Registrar with a list of all documents and depositions on which he intends to rely, together with copies of such documents (if in English) and depositions. Such documents and depositions will be printed or typed at the cost of the respondent. In cases in which the respondent desires to have any additional papers included in the paper book, he will be permitted to do so provided a supplemental list of such papers is filed and the necessary printing or typing charges deposited, not later than a fortnight of the date on which copy of the paper book is supplied to him.

For Rule 44 substitute the following:-

"Within one month from the date of service of notice of an appeal the respondent shall present to the Registrar a list of documents and depositions on which he intends to rely and for the printing or typing of which the appellant has not applied and also copies of such documents (if in English) and depositions. Such documents and depositions will be printed or typed at the cost of the respondent".

Deeds, Bonds, etc. § 51. Deeds, bonds, promissory notes, agreements and other instruments must ordinarily be printed or typed in full, but where the document is exceptionally long and deals with different properties some of which are not in dispute in the case, applications to print or

For Rule 51 substitute the following:-

The following records or parts of records will not be translated, printed or typed except when parties

Existing Rules.	Proposed Amendments to the----- Existing Rules. -----
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or type portions only will be accepted on a certificate of the party applying or his advocate that the portions omitted are in his opinion irrelevant.

for

parties or their advocates state specifically in writing when presenting lists of documents in accordance with Rule 43 or Rule 44 that they require such records or parts of records to be translated, printed or typed, as the case may be.

I

Pleadings

- (a) Schedule or schedules to the plaint except the portion or portions in dispute and
- (b) Verifications of plaints, written statements, etc;

II.

Documents

- (a) documents which have been exhibited merely for the purpose of comparison of handwriting,
- (b) previous title-deeds, which are not disputed,
- (c) schedules giving descriptions of property, stamp-vendor's endorsements, Registration endorsements and endorsements of payment, unless they are in dispute between the parties
- (d) those parts of letters exhibited which obviously refer to matters other than the questions in issue;

III.

Judgments and Decrees

- (a) description of parties except their names.
- (b) statements of costs and schedules or property;

V.

Memorandums of appeal and cross-objections.

description of parties except their names;

VI.

Certified copies

Existing
Rules

Proposed Amendments to the existing Rules.

-
- VII. Certified copies.
certificates and endorsements of the copying office;
- VII. Interlocutory and other applications, Judge's notes,
cause titles;
- VIII. Sale, proclamations and licenses.
the usual conditions printed on forms of proclamations
and licenses;
- IX. Accounts.
entries therein other than those in dispute;
- X. Revenue Records.
columns and entries in extracts of khameshamari, khirdi,
khetwar and other such accounts containing no information regarding
the matters in dispute between the parties.

NOTE:- When entries in successive accounts of the same
kind are printed or typed, the headings need appear only once,
provided that the date to which each entry relates is shown.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJ OF MYSORE

Read:—

Letter R.O.C.No.1031/41-42 dated 16/17th July 1942 from
the Registrar, High Court of Mysore recommending amendments
High Court Rules 41, 43, 44, and 51

ORDER NO. P 86 S Ch 20. 62-2

Dated, Bangalore, the, 18th August 1942.

The Registrar of the High Court reports that the High Court
have been considering how the translation and printing or typing of
unnecessary parts of records for the purpose of appeals in the High
Court can be reduced so as to save expense of parties and also work
in the office of the High Court. They propose to amend Rules 41 and
51 of the High Court Rules (Printed in Volume I of the Civil Rules of
Practice and Circular Orders) and correct Rule 43 suitably. It is
proposed to take this opportunity to amend Rule 44 which at present
contains cumbrous, ambiguous and overlapping provisions so as to make
clear within what time a Respondent must apply for the printing or
typing of documents on which he intends to rely, other than those for
the printing or typing of documents which ~~has~~ the Appellant
has applied. Sanction of Government has been sought for the proposed
amendments under Section 130 of the Code of Civil Procedure to Rules
41, 43, 44 and 51 of the High Court Rules as set out in the appendix
to this order.

Government are pleased to approve of the proposals and to
accord sanction to the amendments, which are set out in the appendix
to this order.


For Secretary to Government
Law Department.

The Registrar, High Court of Mysore.

Appendix
Amendment of High Court Rules 41, 43, 44 and 51

Under Section 130 of the Code of Civil Procedure (and with the previous sanction of Government) the High Court hereby makes the following amendments to Rules 41, 43, 44 and 51 of the High Court Rules, printed at pages 1 to 13 of the Civil Rules of Practice and Circular Orders, Volume I (1936 Edition), viz:-

I. In Rule 41 delete the words "(including any schedule appended thereto)" appearing after the words "The plaint".

II. In Rule 43 for the words "paras 39 and 40" substitute the words "Rules 41 and 42".

III. For Rule 44 substitute the following:-

"Within one month from the date of service of notice of an appeal the respondent shall present to the Registrar a list of documents and depositions on which he intends to rely and for the printing or typing of which the appellant has not applied and also copies of such documents (if in English) and depositions. Such documents and depositions will be printed or typed at the cost of the respondent".

IV. For Rule 51 substitute the following:-

The following records or parts of records will not be translated, printed or typed except when parties or their advocates state specifically in writing when presenting lists of documents in accordance with Rule 43 or Rule 44 that they require such records or parts of records to be translated, printed or typed, as the case may be.

Pleadings

(a) Schedule or schedules to the plaint except the portion or portions in dispute and

(b) Verifications of plaints, written statements, etc;

II.

Documents.

(a) documents which have been exhibited merely for the purpose of comparison of hand-writing,

(b) previous title-deeds, which are not disputed,

(c)

II. cont'd):

(c) schedules giving descriptions of property, stamp-vendor's endorsements, Registration endorsements and endorsements of payment, unless (they are in dispute between the parties

(d) those parts of letters exhibited, which obviously refer to matters other than the questions in issue;

III

Judgments and Decrees.

(A) description of parties, except their names,

b. Statements of the estate and the beneficiaries of the property;

IV

Memoranda of appeal and cross objections.

description of parties except their names;

CERTIFICATE NO. 10108.

certificates and endorsements of the copying office;

VI.

Interlocutory and other applications: Judge's notes.

house title

VI:

Sale proclatations and licenses.

The usual conditions of printed communications of proclamations and licenses:

VIII

કોલેજીયેટ :

entries there are more than those in dispute.

IX

Revenue Records:

Columns (and entries in extracts) of newspapers, general
and other such accounts containing no information regarding the
matter in dispute between the parties.

Note:— When entries in successive accounts of the same kind are printed or typed, the headings need appear only once, provided that the date to which each entry relates, is shown.

For Secretary to Government,
Law Department.

24

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

Read:—

Letter R.O.C.No.1031/41-42 dated 16/17th July 1942 from
the Registrar, High Court of Mysore recommending amendment of
High Court Rules 41, 43, 44 and 51.

ORDER NO.P. 865 CP-20-42-2.
Dated, Bangalore, the, 18th August 1942.

The Registrar of the High Court reports that the High Court have been considering how the translation and printing or typing of unnecessary parts of records for the purpose of appeals in the High Court can be reduced so as to save expense of parties and also work in the office of the High Court. They propose to amend Rules 41 and 51 of the High Court Rules (Printed in Volume 1 of the Civil Rules of Practice and Circular Orders) and correct Rule 43 suitably. It is proposed to take this opportunity to amend Rule 44, which at present contains cumbersome, ambiguous and overlapping provisions so as to make clear within what time a Respondent must apply for the printing or typing of documents, on which he intends to rely, other than those for the printing or typing of documents which ~~have been~~ the Appellant has applied. Sanction of Government has been sought for the proposed amendments under Section 130 of the Code of Civil Procedure to Rules 41, 43, 44 and 51 of the High Court Rules as set out in the appendix to this order.

Government are pleased to approve of the proposals and to accord sanction to the amendments, which are set out in the appendix to this order..



For Secretary to Government,
Law Department.

To:

The Registrar, High Court of Mysore.

KNNS.

Amendment of High Court Rules 41, 43, 44 and 51.

Under Section 130 of the Code of Civil Procedure (and with the previous sanction of Government) the High Court hereby makes the following amendments to Rules 41, 43, 44 and 51 of the High Court Rules, printed at pages 1 to 13 of the Civil Rules of Practice and Circular Orders, Volume I (1936 Edition), viz:-

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IV. For Rule 51 substitute the following:-

The following records or parts of records will not be translated, printed or typed except when parties or their advocates state specifically in writing when presenting lists of documents in accordance with Rule 43 or Rule 44 that they require such records or parts of records to be translated, printed or typed as the case may be.

I. Pleadings

(a) Schedule or schedules to the plaint except the portion or portions in dispute and

(b) Verifications of plaints, written statements, etc.

II. Documents.

(a) documents which have been exhibited merely for the purpose of comparison of hand-writing.

(b) previous title-deeds, which are not disputed,

(c)

II (contd)

(c) soneeules giving descriptions of property, stamp-vendor's endorsements, Registration endorsements and endorsements of payment unless they are in dispute between the parties,

(d) those parts of letters exhibited which matters other than the questions in issue;

III.

Judgments and Decrees.

(a) description of parties except their names,

(b) statements of costs and schedules of property;

IV.

Memorandums of appeal and cross-objection

description of parties except their names;

V.

Certified copies.

certificates and endorsements of the copying office

VI.

Interlocutory and other applications, Judge's notes.

Cause titles;

VII.

Sale proclamations and licenses.

The usual conditions printed on forms of proclamations and licenses;

VIII

Accounts.

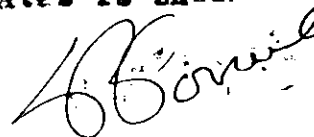
entries therein other than those in dispute;

IX.

Revenue Records.

columns and entries in extracts of Khameshvari, Khirdi Khatwar and other such accounts containing no information regarding the matters in dispute between the parties.

Note.- When entries in successive accounts of the same kind are printed or typed, the headings need appear only once, provided that the date to which each entry relates is shown.



For Secretary to Government,
Law Department.

KJNS.